

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|   |   |  |
|---|---|--|
| In the Application of:                    | ) | CERTIFICATE OF ELECTRONIC FILING               |
|   | ) |  |
| Joseph J. Kubler et al.                   | ) | I hereby certify that this correspondence is   |
|   | ) | being sent via electronic filing to the United |
| Serial No. 10/701,865                     | ) | States Patent and Trademark Office on this     |
|   | ) | date:  |
| Filed: November 5, 2003                   | ) |  |
|   | ) | August 24, 2007                                |
| For: Hierarchical Data Collection Network | ) |  |
| Supporting Packetized Voice               | ) |  |
| Communications Among Wireless             | ) | <u>/Philip Henry Sheridan/</u>                 |
| Terminals And Telephones                  | ) | Philip Henry Sheridan                          |
|   | ) | Reg. No. 59,918                                |
| Examiner: Moore, Ian N.                   | ) |  |
|   | ) |  |
| Group Art Unit: 2616                      | ) |  |
|   | ) |  |
| Confirmation No.: 7803                    | ) |  |

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached with this electronic submission are the following:

- A completed PTO/SB/08A which has two (2) pages.
- A copy of each printed reference listed in the PTO/SB/08A form is attached. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Twenty-six (26) references are attached.

**FEE DETERMINATION AND PAYMENT**

A fee of \$180.00 is due because:

- The first Office action on the merits has been received by applicant(s).
- Applicant(s) believe(s) that this statement and attachments are being filed before any final action has been mailed by the PTO; before a notice of allowance has

issued; and prior to any other action that would close prosecution in the application. The basis of this belief is that no final action, no notice of allowance, and no other action that would close prosecution of the application appear to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

## **REQUEST FOR CONSIDERATION**

This paper and attachments are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

The owner of record of the present application, Broadcom Corporation, is currently involved in a patent infringement action with Qualcomm, Inc., Civil Action No. 05-467, pending in the Central District of California.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned litigation. This electronic submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial the attached PTO/SB/08A and return a copy to the applicants to indicate consideration of the attached references.

Respectfully submitted,

Date: August 24, 2007

/Philip Henry Sheridan/

Philip Henry Sheridan

Reg. No. 59,918

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

|                      |                         |
|----------------------|-------------------------|
| Application Number   | 10/701,865              |
| Filing Date          | November 3, 2003        |
| First Named Inventor | Joseph J. Kubler et al. |
| Group Art Unit       | 2616                    |
| Examiner Name        | Moore, Ian N.           |
| Attorney Docket No.  | 14364US03               |

**U.S. PATENT DOCUMENTS**

| Examiner Initial* | Cite No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup><br>(if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-------------------|-----------------------|--|--------------------------------|--|---|
|                   | A10                   | 5,295,154  | 03/15/1994                     | Meier et al.                                       |   |
|                   | A11                   | 5,394,436  | 02/28/1995                     | Meier et al.                                       |   |
|                   | A12                   | 5,335,276  | 08/02/1994                     | Thompson   |   |
|                   | A13                   | 5,764,736  | 06/09/1998                     | Shachar  |   |
|                   | A14                   | 5,912,882  | 06/15/1999                     | Yafuso   |   |
|                   | A15                   | 4,914,586  | 04/03/1990                     | Swinehart  |   |
|                   | A16                   | 6,006,100  | 12/21/1999                     | Koenck et al.                                      |   |
|                   | A17                   | 5,682,379  | 10/28/1997                     | Mahany et al.                                      |   |
|                   | A18                   | 6,359,872  | 03/19/2002                     | Mahany et al.                                      |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|--|--------------------------------|--|---|----------------|
|                    | B2                    | WO 94/11967  | 05/26/1994                     | Weeks  |   |                |
|                    | B3                    | WO 96/05592  | 02/22/1996                     | Qualcomm   |   |                |
|                    | B4                    | WO 92/02084  | 02/06/1992                     | Koenck   |   |                |

**OTHER ART -- NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published |
|--------------------|-----------------------|--|
|                    | C3                    | BARBARA et al., "Replicated Data Management In Mobile Environments: Anything New Under The Sun?", 10/22/1993   |
|                    | C4                    | BARTAL et al., "The Distributed k-Server Problem -A Competitive Distributed Translator for k-Server Algorithms, 1992   |
|                    | C5                    | BLAZE, "Catching In Large-Scale Distributed File Systems", PhD thesis, Princeton University, 01/1993   |
|                    | C6                    | DOUGLAS, "Transparent Process Migration: Design Alternatives And The Sprite Implementation", Software-Practice And Experience, Vol.; 21(8), 757-785, 08/1991   |
|                    | C7                    | HUANG et al., "Object Allocation In Distributed Databases And Mobile Computers", 02/1994   |
|                    | C8                    | HUANG, "Data Replication For Mobile Computers", ACM-SIGMOD, 05/1994  |
|                    | C9                    | IMIELINSKI et al., "Mobile Wireless Computing: Solutions And Challenges In Data Management", Dept. of Computer Science, Rutgers University, 1992   |

EXAMINER  
SIGNATURE

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1800-786-9199) and select option 2.

Rev. Sept. 03

J:\OPEN\phs\Broadcom (1772)\Qualcomm\Litigation Statement & IDS Project\Santa Ana 05-467 Litigation Statement & IDS\5,657,317 and 6,389,010 - VoIP\Supp3  
IDS - Voip 6,389,010\odd ones\Fee\14364US03\14364US03 Supp 3 PTOSB08A.doc

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|--|---|--------------------------|------------------|
| Substitute for form 1449/PTO   |   | <b>Complete if Known</b> |                  |
|  |   |                          |                  |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary)) |   | Application Number       | 10/701,865       |
|  |   | Filing Date              | November 3, 2003 |
|  |   | First Named Inventor     | Joseph J. Kubler |
|  |   | Group Art Unit           | 2616             |
|  |   | Examiner Name            | Moore, Ian N.    |
|  |   | Attorney Docket Number   | 14364US03        |
| Sheet  | 2 |                          | 2                |

| OTHER ART -- NON PATENT LITERATURE DOCUMENTS |                       |  |
|--|-----------------------|--|
| Examiner Initials*                           | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published |
|  | C10                   | Defendant And Counterclaim Plaintiff Qualcomm Incorporated's Final Invalidity Contentions, With Exhibit C, 11/21/2006  |
|  | C12                   | HARRICK et al., "Multimedia Conferencing In The Etherphone Environment," IEEE Computer, Vol. 24, No. 10, 10/1991   |
|  | C13                   | SWINEHART et al., "Adding Voice To An Office Computer Network", Proceedings of IEEE Globecom '83, 02/1984  |
|  | C14                   | ZELLWEGER et al., "An Overview Of The Etherphone System And Its Applications," Proceedings of the 2 <sup>nd</sup> IEEE Conference on Computer Workstations, 1988   |
|  | C17                   | Qualcomm's STU-III Service Option for Wideband Spread Spectrum Systems (Proposed Draft Text), Version 3.05, 06/02/1994, 457QB00835840-77   |
|  | C18                   | Qualcomm's STU-III Service Option for Wideband Spread Spectrum Systems (Proposed Draft Text), Version 2.09, 03/06/1995, 457QB00836280-319  |
|  | C19                   | Qualcomm's STU-III Service Option for Wideband Spread Spectrum Systems (Proposed Draft Text), Version 3.02, 04/05/1995, 457QB00836414-53   |
|  | C20                   | Qualcomm's STU-III Service Option for Wideband Spread Spectrum Systems (Proposed Draft Text), Version 3.04, 05/08/1995, 457QB00836798-834  |
|  | C21                   | Qualcomm's STU-III Service Option for Wideband Spread Spectrum Systems (Proposed Draft Text), Version 3.04a, 06/02/1995, 457QB00836532-69  |
|  | C22                   | WEISSMAN et al., End-To-End Security For Commercial PCS Networks, 04/23/1995, 457QB00836748-56   |
|  | C23                   | Defendant Qualcomm Incorporated's Supplemental Responses To Plaintiff Broadcom Corporation's First Set Of Interrogatories (Nos. 1-19)  |
|  | C24                   | Defendant Qualcomm Incorporated's Second Supplemental Responses To Plaintiff Broadcom Corporation's First Set Of Interrogatories (Nos. 1-19), 03/01/2006   |
|  | C25                   | Defendant Qualcomm Incorporated's Third Supplemental Responses To Plaintiff Broadcom Corporation's First Set Of Interrogatories (Nos. 5, 10)   |
|  | C26                   | Defendant Qualcomm Incorporated's Fifth Supplemental Responses To Plaintiff Broadcom Corporation's First Set Of Interrogatories (Nos. 2-4, 60 And First Supplemental Response To Interrogatory No. 18  |
|  | C27                   | DeTreville et al., "A Distributed Experimental Communication System", IEEE Journal on Selected Areas in Communications, Vol. SAC-1, No.6, Dec. 1983.   |
|  | C28                   | FYE, "Expert Report of Donald M. Fye Regarding U.S. Patent No. 6,389,010", with Appendix A and Exhibits 1-10, and 12-18, 12/22/2006  |

|          |                 |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
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Rev. Aug. 02

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